

include information regarding barratry in the report required under Section 81.076(h), Government Code, as amended by this Act.

SECTION 16. (a) Except as provided by Subsection (b) of this section, Section 81.0201, Government Code, as amended by this Act, applies to a member of the board of directors of the State Bar of Texas appointed before, on, or after the effective date of this Act.

(b) A member of the board of directors of the State Bar of Texas who, before the effective date of this Act, completed the training program required by Section 81.0201, Government Code, as that law existed before the effective date of this Act, is required to complete additional training only on subjects added by this Act to the training program as required by Section 81.0201, Government Code, as amended by this Act. A board member described by this subsection may not vote, deliberate, or be counted as a member in attendance at a meeting of the board held on or after December 1, 2017, until the member completes the additional training.

SECTION 17. This Act takes effect September 1, 2017.

Passed the Senate on April 4, 2017: Yeas 31, Nays 0; May 25, 2017, Senate refused to concur in House amendments and requested appointment of Conference Committee; May 26, 2017, House granted request of the Senate; May 28, 2017, Senate adopted Conference Committee Report by the following vote: Yeas 30, Nays 1; passed the House, with amendments, on May 16, 2017: Yeas 125, Nays 21, one present not voting; May 26, 2017, House granted request of the Senate for appointment of Conference Committee; May 27, 2017, House adopted Conference Committee Report by the following vote: Yeas 125, Nays 21, three present not voting.

Approved June 9, 2017.

Effective September 1, 2017.

## CONTINUATION AND FUNCTIONS OF THE BOARD OF LAW EXAMINERS

### CHAPTER 532

S.B. No. 303

#### AN ACT

**relating to the continuation and functions of the Board of Law Examiners.**

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. Section 82.001(b), Government Code, is amended to read as follows:

(b) The supreme court shall appoint the members of the board for staggered six-year terms, with the terms of one-third of the members expiring ~~May~~ ~~August~~ 31 of each odd-numbered year. A member is subject to removal by the supreme court as provided by Section 82.0021.

SECTION 2. Section 82.006, Government Code, is amended to read as follows:

Sec. 82.006. SUNSET PROVISION. The Board of Law Examiners is subject to Chapter 325 (Texas Sunset Act). Unless continued in existence as provided by that chapter, the board is abolished September 1, 2029 ~~[2017]~~.

SECTION 3. Section 82.0073, Government Code, is amended to read as follows:

Sec. 82.0073. SEPARATION OF RESPONSIBILITIES; *DELEGATION*. (a) The Board of Law Examiners shall develop and implement policies that clearly separate the policymaking responsibilities of the board and the management responsibilities of the executive director and the staff of the board.

(b) *Subject to supreme court rules, the Board of Law Examiners may delegate routine decisions to the executive director of the board, including waiver requests.*

SECTION 4. Section 82.010, Government Code, is amended by amending Subsection (b) and adding Subsection (c) to read as follows:

(b) The training program must provide the person with information regarding:

- (1) the law governing board operations ~~[legislation that created the board];~~
- (2) the programs, functions, rules, and budget of ~~[operated by]~~ the board;
- (3) ~~[the role and functions of the board;~~
- ~~[(4) the rules of the board, with an emphasis on the rules that relate to disciplinary and investigatory authority;~~
- ~~[(5) the current budget for the board;~~
- ~~[(6) the results of the most recent formal audit of the board;~~
- (4) ~~[(7)]~~ the requirements of:
  - (A) laws relating to ~~[the]~~ open meetings, ~~[law, Chapter 551;~~
  - ~~[(B) the]~~ public information, ~~[law, Chapter 552;~~
  - ~~[(C) the]~~ administrative procedure, and disclosing conflicts of interest ~~[law, Chapter 2001];~~ and
  - (B) ~~[(D)]~~ other laws applicable to members of a state policymaking body in performing their duties ~~[relating to public officials, including conflict-of-interest laws];~~ and
- (5) ~~[(8)]~~ any applicable ethics policies adopted by the board or the Texas Ethics Commission.

(c) The executive director of the Board of Law Examiners shall create a training manual that includes the information required by Subsection (b). The executive director shall distribute a copy of the training manual annually to each member of the board. On receipt of the training manual, each member of the board shall sign and submit to the executive director a statement acknowledging receipt of the training manual.

SECTION 5. Section 82.022, Government Code, is amended by adding Subsection (a-1) to read as follows:

(a-1) In adopting rules on eligibility for examination for a license to practice law, the supreme court shall ensure that no rule violates Chapter 110, Civil Practice and Remedies Code.

SECTION 6. Sections 82.023(b), (c), and (e), Government Code, are amended to read as follows:

(b) The form for the declaration must clearly identify those conditions of character and fitness ~~[set out in Section 82.027]~~ that may be investigated by the board and that may result in the denial of the declarant's application to take the examination.

(c) The board shall notify each first-year law student who files the declaration *not later than the date established by supreme court rule* ~~[on or before January 1 of the year in which the student begins law school, not later than August 1 of the following year,]~~ of the board's decision as to the student's acceptable character and fitness. The board shall notify all other declarants *not later than the date established by supreme court rule* ~~[not later than the 270th day after the date the declaration was filed]~~ whether or not it has determined that the declarant has acceptable character and fitness.

(e) If the board determines that an applicant may suffer from chemical dependency, the board shall require the applicant to meet with representatives of the Lawyers' Assistance Program of the State Bar of Texas or a similar program of the state bar and may require the applicant to submit to ~~[a treatment facility for]~~ evaluation by a licensed mental health professional designated by this board. *The board may seek advice and consultation from the Lawyers' Assistance Program of the State Bar of Texas or a similar program of the state bar in designating mental health professionals qualified to conduct evaluations of declarants who may suffer from chemical dependency.*

SECTION 7. Sections 82.027(a), (b), and (c), Government Code, are amended to read as follows:

(a) Each applicant to take a bar examination must file an application with the Board of Law Examiners *not later than the date established by supreme court rule and pay the fee established by supreme court rule* ~~[not later than the 180th day before the first day of the examination for which the person is applying]~~.

(b) The application *must include a statement certifying* ~~[consists of a verified affidavit stating]~~ that since the filing of the applicant's original declaration of intention to study law, the applicant:

(1) has not been formally charged with any violation of law, excluding:

(A) cases that have been dismissed for reasons other than technical defects in the charging instrument;

(B) cases in which the applicant has been found not guilty;

(C) minor traffic violations;

(D) cases in which the record of arrest or conviction was expunged by court order;

(E) pardoned offenses; and

(F) Class C misdemeanors;

(2) ~~[is not mentally ill]~~;

~~[(2)]~~ has not been charged with fraud in any legal proceeding; and

(3) ~~[(4)]~~ has not been involved in civil litigation or bankruptcy proceedings that reasonably bear on the applicant's fitness to practice law.

(c) On a showing of good cause or to prevent hardship, the board may permit an applicant to file an application with the board *not later than the date established by supreme court rule* ~~[not later than the 60th day after the deadline prescribed by Subsection (a)]~~ on payment of applicable late fees *established by supreme court rule*.

SECTION 8. Sections 82.030(a) and (c), Government Code, are amended to read as follows:

(a) The Board of Law Examiners shall assess each applicant's moral character and fitness based on:

(1) the investigation of character and fitness performed after the filing of the declaration of intention to study law; and

(2) the filing of the *application* ~~[affidavit]~~ required by Section 82.027 and the board's investigation into the accuracy and completeness of the *application* ~~[affidavit]~~.

(c) If the board determines that an applicant may suffer from chemical dependency, the board shall require the applicant to submit to ~~[a treatment facility for]~~ evaluation by a licensed mental health professional designated by the board. *The board may seek advice and consultation from the Lawyers' Assistance Program of the State Bar of Texas or a similar program of the state bar in designating mental health professionals qualified to conduct evaluations of applicants who may suffer from chemical dependency.*

SECTION 9. Section 82.033(d), Government Code, is amended to read as follows:

(d) The supreme court may set reasonable fees for additional services provided by the board, but the fee for any single additional service, *other than the late fee for an examination application*, may not exceed \$150.

SECTION 10. Subchapter B, Chapter 82, Government Code, is amended by adding Section 82.039 to read as follows:

*Sec. 82.039. LICENSING GUIDELINES. (a) To assist the Board of Law Examiners in making consistent and fair determinations related to the licensing of attorneys in this state, the board shall develop specific guidelines for:*

*(1) determining the moral character and fitness of license applicants;*

*(2) overseeing probationary license holders; and*

*(3) granting waiver requests.*

(b) *The Board of Law Examiners shall develop the guidelines required under Subsection (a) based on the board's past decisions and on any other criteria the board considers necessary. The board is not required to take any specific action provided in the guidelines.*

SECTION 11. Sections 82.023(g) and 82.030(f), Government Code, are repealed.

SECTION 12. Section 82.001, Government Code, as amended by this Act, applies only to members appointed to the Board of Law Examiners on or after September 1, 2017.

SECTION 13. (a) Except as provided by Subsection (b) of this section, Section 82.010, Government Code, as amended by this Act, applies to a member of the Board of Law Examiners appointed before, on, or after the effective date of this Act.

(b) A member of the Board of Law Examiners who, before the effective date of this Act, completed the training program required by Section 82.010, Government Code, as that law existed before the effective date of this Act, is required to complete additional training only on subjects added by this Act to the training program as required by Section 82.010, Government Code, as amended by this Act. A board member described by this subsection may not vote, deliberate, or be counted as a member in attendance at a meeting of the board held on or after December 1, 2017, until the member completes the additional training.

SECTION 14. As soon as practicable after the effective date of this Act, the Texas Supreme Court shall modify the rules necessary to implement the changes in license application requirements made under Section 82.027, Government Code, as amended by this Act.

SECTION 15. Section 82.027, Government Code, as amended by this Act, applies only to an application to take the state bar examination that is submitted to the Board of Law Examiners on or after September 1, 2017.

SECTION 16. This Act takes effect September 1, 2017.

Passed the Senate on April 4, 2017: Yeas 30, Nays 1; May 25, 2017, Senate refused to concur in House amendments and requested appointment of Conference Committee; May 26, 2017, House granted request of the Senate; May 28, 2017, Senate adopted Conference Committee Report by the following vote: Yeas 30, Nays 1; passed the House, with amendments, on May 16, 2017: Yeas 146, Nays 0, one present not voting; May 26, 2017, House granted request of the Senate for appointment of Conference Committee; May 27, 2017, House adopted Conference Committee Report by the following vote: Yeas 145, Nays 1, two present not voting.

Approved June 9, 2017.

Effective September 1, 2017.

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**CONTINUATION AND FUNCTIONS OF THE TEXAS  
DEPARTMENT OF TRANSPORTATION; AUTHORIZING AN  
INCREASE IN RATES CHARGED FOR THE USE OF STATE  
AIRCRAFT TO PROVIDE FOR THE ACQUISITION OF  
REPLACEMENT AIRCRAFT; CREATING A CRIMINAL  
OFFENSE**

**CHAPTER 533**

S.B. No. 312

**AN ACT**

relating to the continuation and functions of the Texas Department of Transportation; authorizing an increase in rates charged for the use of state aircraft to provide for the acquisition of replacement aircraft; creating a criminal offense.

*Be it enacted by the Legislature of the State of Texas:*